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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,881	03/25/2004	Qiang Cao	48-25-28-10	7793
7590	10/24/2006			EXAMINER NGUYEN, KHAI MINH
Lucent Technologies Inc. Docket Administrator Room 3J-219 101 Crawfords Corner Road Holmdel, NJ 07733-3030			ART UNIT 2617	PAPER NUMBER
DATE MAILED: 10/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,881	CAO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/21/2005.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Information Disclose Statement***

1. The reference listed in the Information Disclosure Statement filed on 7/21/2005 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jetzek (U.S.Pat-6754493) in view of Schwarz et al. (U.S.Pat-20040142692).

Regarding claim 1, Jetzek teaches a method of selecting base station antennas (fig.3, base station 220), for connection with a mobile user terminal (fig.1b, MS, BTSs 1 and 2) in a radio telecommunications network (col.2, lines 1-30), comprising the steps of:

making test transmissions (col.3, lines 48-63) between the mobile user terminal (fig.1a-1b, MS) and base station antennas (fig.1b, 4, MS, BTSs 1 and 2, col.2, lines 1-30, col.2, line 62 to col.3, line 20), and processing the received test transmissions to determine respective signal path quality for each of the base station antennas (fig.1b, 4, MS 400, BTSs 1 and 2, col.2, line 62 to col.3, line20);

wherein upon the determined signal path quality exceeding the second predetermined threshold the mobile user terminal (fig.1b, and 4, col.2, line 62 to col.3, line 20) is connected to the corresponding base station antenna (fig.1b, 4, MS, BTSs 1 and 2, col.2, lines 1-30, col.2, line 62 to col.3, line20) by both control channels and data channels so as to be call connected (fig.1b, col.1, lines 47-67, MS establishes a connection to BTS2 without dropping the connection to BTS1)

Jetzek fails to specifically disclose wherein upon the determined signal path quality exceeding a first predetermined threshold but being less than a second predetermined threshold higher than the first predetermined threshold the mobile user terminal is connected to the corresponding base station antenna by control channels but not data channels so as to be time synchronized. However, Schwarz teaches wherein upon the determined signal path quality exceeding a first predetermined threshold (paragraph 0024, 0040) but being less than a second predetermined threshold higher than the first predetermined threshold (paragraph 0040, 0075) the mobile user terminal is connected to the corresponding base station antenna (BS1, BS2) by control channels but not data channels so as to be time synchronized (paragraph 0035-0044). Therefore, it would have been obvious to one having ordinary skill in the art at the time invention made to apply the teaching of Schwarz to Jetzek to provide a method for controlling the transmission power in a symmetric handover condition in a communication network.

Regarding claim 2, Schwarz and Jetzek further teach a method according to claim 1, in which upon the determined signal path quality being less than the first threshold (see Schwarz, paragraph 0040, 0075), the mobile user terminal is connected

to the corresponding base station antenna by neither control channels nor data channels (see Jezek, fig.1b, col.1, lines 47-67, MS establishes a connection to BTS2 without dropping the connection to BTS1).

Regarding claim 3, Schwarz and Jetzek further teach a method according to claim 1, in which the control channels comprise at least one control channel in each direction between the mobile user terminal and said corresponding base station antenna (see Jetzek, fig.3, base station 220, col.2, lines 1-30).

Regarding claim 4, Schwarz and Jetzek further teach a method according to claim 1, in which the network comprises a base station controller (see Jetzek, fig.1b, BTSs 1 and 2) and there are multiple mobile user terminals (see Jetzek, fig.1b, MS, see Schwarz, user terminal 12), in which for each mobile user terminal identifiers of the base station antennas having a signal path quality between the thresholds are recorded for reference in a first list in the base station controller (see Jetzek, col.2, line 41 to col.3, line 20), and in which for each mobile user terminal identifiers of the base station antennas having a signal path quality exceeding the second threshold are recorded for reference in a second list in the base station controller (see Jetzek, col.2, line 41 to col.3, line 20).

Regarding claim 5, Schwarz and Jetzek further teach a method according to claim 1, in which, when the mobile user terminal is connected to the corresponding base station antenna by control channels but not data channels (see Jezek, fig.1b, col.1, lines 47-67), control channel data is transmitted over control channels at a rate of less than

every timeslot but sufficient to maintain synchronisation between said base station antenna and mobile user terminal (see Jetzek, col.2, line 41 to col.3, line 20).

Regarding claim 6, Schwarz and Jetzek further teach a method according to claim 5, in which the base station antenna indicates to the mobile user terminal that data channels are to be established by changing to sending control channel data every timeslot (see Schwarz, paragraph 0035-0044).

Regarding claim 7, Jetzek teaches a radio telecommunications network comprising base stations (fig.1b, BTSs 1 and 2), each base station having at least one antenna (fig.1b, MS, BTSs 1 and 2), the network comprising a selector of base station antennas to be used for connection with a mobile user terminal (fig.1b, MS, BTSs 1 and 2, col.2, lines 1-30), the network comprising

a generator of test transmissions (col.3, lines 48-63) between the mobile user terminal (fig.1a-1b, MS) and base station antennas (fig.1b, 4, MS, BTSs 1 and 2, col.2, lines 1-30, col.2, line 62 to col.3, line 20), and a processor configured to process the received test transmissions to determine respective signal path quality for each of the base station antennas (fig.1b, 4, MS 400, BTSs 1 and 2, col.2, line 62 to col.3, line20);

wherein upon the determined signal path quality exceeding the second predetermined threshold (fig.1b, and 4, col.2, line 62 to col.3, line 20) the mobile user terminal is connected to the corresponding base station antenna (fig.1b, 4, MS, BTSs 1 and 2, col.2, lines 1-30, col.2, line 62 to col.3, line20) by both control channels and data

Art Unit: 2617

channels so as to be call connected (fig.1b, col.1, lines 47-67, MS establishes a connected to BTS2 without dropping the connection to BTS1)

Jetzek fails to specifically disclose wherein the selector is configured to control connections such that upon the determined signal path quality exceeding a first predetermined threshold but being less than a second predetermined threshold higher than the first predetermined threshold the mobile user terminal is connected to the corresponding base station antenna by control channels but not data channels so as to be time synchronised. However, Schwarz teaches wherein the selector (paragraph 0075) is configured to control connections such that upon the determined signal path quality exceeding a first predetermined threshold (paragraph 0024, 0040) but being less than a second predetermined threshold higher than the first predetermined threshold (paragraph 0040, 0075) the mobile user terminal is connected to the corresponding base station antenna (BS1, BS2) by control channels but not data channels so as to be time synchronized (paragraph 0035-0044). Therefore, it would have been obvious to one having ordinary skill in the art at the time invention made to apply the teaching of Schwarz to Jetzek to provide a method for controlling the transmission power in a symmetric handover condition in a communication network.

Regarding claim 8 is rejected with same reasons set forth in claim 2.

Regarding claim 9 is rejected with same reasons set forth in claim 4.

Regarding claim 10 is rejected with same reasons set forth in claim 5.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen  
Au: 2617

10/18/2006



GEORGE ENG  
SUPERVISORY PATENT EXAMINER